

March 12, 2012

The Common Council met as the Water Utility Board at 7:00pm on the above date in the Meeting Room at City Hall annex with Mayor Tucker presiding and Members Hoehn, Curtis and Higgins attending. Members Shelton and Fuelling were absent. Others attending were Chief Beloit, Chief Dixon, Superintendent Givens, Superintendent Gray, Bldg. Comm. Sherry Willis, Attorney Beth Higgins, Ann Fischer, Nancy Sexton, Johanna Denning, Tom Hogan, Ed Adams, Pastor Matt Watson – MVGB Church, Corey Rash- MVGB Church, John Gerton, Sara Manifold – MV Democrat and Pam Robison – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive the reading and to approve the minutes as presented.

Board Member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Member Hoehn

Mayor Tucker asked if there was any discussion.

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board Member Higgins moved the claims presented be allowed for payment. Seconded by Board Member Curtis.

Mayor Tucker asked if there were any discussion.

There were none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear from the Water Chairman Curtis. Water Chairman Curtis stated he had nothing to report but Water Supt. Gray had some things to update us on.

Supt. Gray stated he first wanted to let the Board know that he has just received notice this afternoon that German Township intends to extend their water main from Indian Mound Road and boaring under Keck bypass and crossing over our 12 water main. They will be crossing over the 6 inch lines that feed Bristol Meyers.

He stated they shouldn't be able to cross our easement without contacting us ahead of time. He stated they have already crossed over our main in two different spots. Councilman Curtis asked what can we do? Supt. Gray stated if they come into City limits we should have territorial jurisdiction within a mile out.

Supt. Gray asked if there was a code that addressed this. Attorney Higgins stated there is a code but it depends on whether or not the Utility Board adopted a Resolution back in the 1970's.

Councilman Curtis stated that this had come up before and it is not addressed he stated there was nothing current. Attorney Higgins stated it talks about with the adoption of the Resolution you could have declared a certain area under exclusive distancing of utilities. She stated that is in regards to outside of City limits. Attorney Higgins stated coming into City limits is a different question. Attorney Higgins stated that property owners can grant other people easements as well as the right to use them. She stated our easements are written for the benefit of the City only.

Councilman Curtis stated we need to look into this but he doesn't believe it is coming into the City limits. Supt. Gray stated one is going under the bypass headed east and the other one is going from Indian Mound Road headed west. Councilman Curtis stated east doesn't bother us it's the other one. He stated to have Supt. Gray look into it and if it does come into City limits we need to have Beth look into it.

Supt. Gray stated he is afraid they are going to lose a big customer. Councilman Curtis stated he doesn't want to lose a big customer but you have to have legal basis to do something about it. We need to get the best information we can and give Beth the information.

Mayor Tucker stated if they are hooked into city sewer and they don't want water we don't want city sewer. Attorney Higgins stated our rates are not set up to meter sewage that is not how our rates are set up.

Supt. Gray stated he has received bids for the demolition of the Shepard Building. Supt. Gray opened the bids and then read the bids as follows:

- Russell Excavating \$21,440
- DK Parker \$39,999
- O'Risky Excavating \$24,950

Supt. Gray stated the quotes met the scope of the project and no bid bond was needed. He stated the quotes included leaving the existing concrete pad and the demolition of the building and removal.

Member Curtis made motion to accept low quote from Russell Excavating for \$21,440 to raise the old Shephard Bldg.

Seconded by Member Hoehn

Mayor Tucker asked if there was any discussion.
There was none.

Roll call vote was taken by Clerk-Treasurer Dike; Member Shelton- absent, Member Fuelling- absent, Member Hoehn- yes, Member Curtis- yes, Member Higgins-yes.

Mayor Tucker reported the motion carried unanimously.

Member Hoehn asked Supt. Gray if he was still working on the bids for the pump. Supt. Gray stated yes.

Mayor Tucker stated they have the financial reports in front of them and any questions they have can be directed to Deann at the Utility Office.

Mayor Tucker stated they are now ready for Legals. Attorney Higgins stated the only thing she had was an update that the sell of bonds is set for closing on 3/29/12.

Mayor Tucker asked if there were any questions.
There were none.

Mayor Tucker stated next on the agenda is presentation from the audience. He stated Pastor Corey Rash is here with MVGB Church to ask for a water adjustment. Pastor Matt Watson took to the podium to discuss the water adjustment for MVGH Church.

Pastor Watson told the Board his Church is located at 1717 North Main Street Mt. Vernon In. He stated they have had a leak since Sept 2011 thru January 2012. He stated they thought they had the problem fixed and evidentially they didn't. He stated they have the problem fixed now and have submitted a copy of the repairs.

Supt. Gray stated it looks like MVGB has had a leak that started between Aug- Sept. of last year. He stated he believes their leak has been repaired as they are at 4,000 gallons down from 20,000 gallons. He stated they are due for a credit on this bill of \$146.00, but they would also like adjustments on past bills that have already been paid.

Member Curtis stated they normally average out over presiding months and make the adjustments according.

Supt. Gray stated they normally go back 4 months.

Member Curtis made a motion to average the bill and adjust 4 previous months (Oct, Nov, Dec, Jan.) for Mt. Vernon General Baptist Church.
Seconded by Member Higgins.

Mayor Tucker asked if there was any discussion.
There was none.

Roll call vote was taken by Clerk-Treasurer Dike: Member Shelton- absent, Member Fuelling- absent, Member Hoehn- yes, Member Curtis- yes, Member Higgins- yes.

Mayor Tucker reported the motion carried unanimously.

Mayor Tucker asked if anyone else from the audience would like to address the board.
There was no response.

Mayor Tucker asked if there was any Old business.
There was no response.

Mayor Tucker asked if there was any New Business.
There was no response.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Member Curtis moved the meeting be adjourned.
Seconded by Member Hohen.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Denise Dike
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board at 7:00pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and Council Members Hoehn, Curtis and Higgins attending. Council Members Shelton and Fuelling were absent. Others attending were Chief Beloit, Chief Dixon, Superintendent Givens, Superintendent Gray, Bldg. Comm. Sherry Willis, Attorney Beth Higgins, Ann Fischer, Nancy Sexton, Johanna Denning, Tom Hogan, Ed Adams, John Gerton, Sara manifold – MV Democrat and Pam Robison- Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Hoehn moved the reading of the minutes be waived and they be approved as presented.
Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion.

There were none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street and Light Chairman Fuelling – was absent.

Comm. Maynard- was absent.

Police and Dog Chairman Shelton – was absent

Chief Beloit stated he had no report.

Fire Chairman Higgins- stated she had no report.

Chief Dixon stated he had no report.

Sewer Chairman Hoehn- stated he had no report

Supt. Givens stated he had no report.

Mayor Tucker stated that the Financial Reports are in front of them. Any questions can be directed to Clerk-Treasurer Dike.

Mayor Tucker asked if the Clerk-Treasurer had any communications for the Council.
Clerk-Treasurer Dike replied not at this time.

Mayor Tucker stated we are ready for the legals. He stated that Adam Farrar with Van Haaften and Farrar is here tonight for the public hearing and 1st reading regarding the vacation of portions of Mann and Ohio Street for Countrymark.

Adam Farrar approached the Council and Mayor Tucker stated the Public hearing has started 7:27pm. Mayor Tucker stated that anyone in the audience who would want to address the board on the vacation of portions of Mann and Ohio Street for Countrymark may do so now.

Supt. Givens stated he took a look at the sewer lines there and stated that Countrymark told him if they needed access they could get a key.

Chief Dixon stated he has had discussions with Brad Parker and is pleased.

Mayor Tucker announced the public hearing has ended at 7:30pm.

Adam Farrar stated to the Council that he is here tonight to petition to vacate a portion of Mann and Ohio Street for Countrymark. He stated with him is Brad Parker from Countrymark who could answer any questions they may have. He stated the area they want to vacate is adjacent to the Ohio River and Adjacent to the Countrymark facility. Mr. Farrar stated Brad has contacted all adjacent property owners and all utilities. He stated no one has had any objections. He stated Insight Communication was ok with it as long as it wouldn't interfere with their access.

Mr. Farrar stated that Becky Merkley with Vectren had similar concerns about access. He stated all utilities will have a key with 24 access to property. Mr. Farrar stated the public alley in petition will not be affected. He stated that Brad is willing to give 24 hrs a day 365 days a year access to property. He stated this is a heavy industrial area, and they are looking for safety for the public and stated he won't interfere with traffic.

Attorney Higgins stated that all original certified mail green cards, and affidavits need to be filed in the Clerk-Treasurer's Office. She stated all public easements would not be effected.

Councilman Curtis made a motion to grant request to vacate parts of Mann and Ohio as per Ordinance.

Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion.
There was none.

Roll Call vote was taken by Clerk-Treasurer Dike; Councilwoman Shelton- absent, Councilman Fuelling- absent, Councilman Hoehn- yes, Councilman Curtis- yes, Councilwoman Higgins-yes.

Mayor Tucker reported it passed 1st Reading.
Attorney Higgins stated the 2nd Reading will be scheduled for 4/9/12.

Mayor Tucker asked if anyone from the Audience wished to approach the Council.
There was no response.

Mayor Tucker stated under old business Building Commissioner Sherry Willis is here tonight to discuss the house at 1214 Mulberry Street that was discussed at the last Council Meeting by a concerned citizen. He stated this property really had 2 issues. The first issue was if it is an EPA/health issue and the seconded being is the house a code violation. Mayor Tucker stated Sherry is here tonight to discuss what is going on.

Bldg. Comm. Sherry Willis stated she has worked on this house several months ago and the owners brought it up to code. The windows are boarded up and that is ok as long as no one is living in the house. She stated it was up for tax sale and didn't sell and now it is up for Commissioner Tax Sale. She stated all adjacent property owners will be notified. She stated that if it sold any contractor could go in and tear down.

Councilman Curtis asked about the wall that was caving in.
Bldg. Comm. Willis stated she was not aware of that and if that was the case that would have to had happened within the last few months. That was never brought to her attention.
Councilman Hoehn stated he went and looked at the property Tuesday morning after the last Council meeting. Councilman Hoehn asked if there was another avenue or condemnation thru the health department as well. Mrs. Willis stated she has talked with the health department and he has never indicated anything.

Councilwoman Higgins stated she was told there is a still an electric meter there.
Mrs. Willis stated she doesn't know but if there is one there it is not turned on. She stated this is the first Commissioner Tax Sale they have ever had. She stated they will advertise in the paper 3 times and the property will sell like an auction. She stated the commissioners will take deed to it and once the property is sold they property owner as 120 days to redeem themselves. She stated this is the first time the Commissioners have had a sale.

Councilman Hoehn stated if the commissioners own the property, the county and the city could have agreement to the clean up the property. She stated she doesn't know if they are going to actually own it.

Councilman Hoehn asked if she wants to ask them or if he can.

Councilman Hoehn stated this may be our opportunity when the commissioner have control to get it torn down.

Sherry Willis stated this is not a house to rehab it is a house to tear down.

Councilman Hoehn stated no one is going to buy it and it looks like a stalemate to him.
Bldg Commissioner Willis stated they just had a house torn down and it cost around \$6,000-7,000.
Sherry asked if anyone had any more questions for her.
There was no response.

Mayor Tucker asked if anyone else had anything under old business.

Councilwoman Higgins stated she would like to make motion for a resolution to authorize City Attorney Higgins to get 2 appraisals for site B for purpose of a possible location for police and fire stations.
Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion.
There was none.

Roll Call vote was taken by Clerk-Treasurer Dike: Councilwoman Shelton- absent, Councilman Fuelling- absent, Councilman Hoehn- yes, Councilman Curtis- yes, Councilwoman Higgins-yes.

Mayor Tucker reported the motion carried unanimously.

Mayor Tucker asked if there was any new business.
There was no response.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Shelton was absent.

2nd District Councilman Fuelling was absent.

3rd District Councilman Hoehn stated he has no report.

4th District Councilman Curtis stated he has no report

Councilwoman-at-large Higgins asked if the council has had time to look at the study that was done on the traffic issues on Water Street.

Councilman Curtis stated he has and looking thru it there is no significant difference on the two streets.
Councilwoman Higgins asked if the police department can monitor it at peak hours and slow traffic down.

Councilman Curtis stated he doesn't have a problem with the police looking at trends and monitoring it at those times.
Chief Belloat agreed.

Mayor Tucker stated under Mayor's Announcements he wanted to let everyone know that the Harlem Wizards will be at MVHS on 3/22 at 7:00pm to play a local team. He stated band members will be selling tickets and told everyone that Attorney Higgins has tickets, and you can purchase them at the MVHS office.

Mayor Tucker stated if there is no further business he entertains a motion to adjourn.

Councilwoman Higgins moved the meeting be adjourned.

Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Denise Dike
Clerk-Treasurer